

Notice of Allowability

Application No.

09/931,268

Examiner

ALEX NOGUEROLA

Applicant(s)

CHEN ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/11/2004.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 16 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Alex Noguerola
Primary Examiner
Art Unit: 1753

Allowable Subject Matter

1. Claims 1-26 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a) Claims 1-22: the allowability of these claims has been addressed in the Office action of August 11, 2004;
 - b) Claim 23 is allowable because the combination of limitations requires the control system to have means for facilitating (i) dispensing an amount of a virgin makeup solution that is saturated with the second bath additive into the means for conducting so as to form a mixed bath and (ii) determining the amount of a first bath additive based on an electroanalytical measurement using the mixed bath. In contrast, the method of Chang is apparently performed manually. More importantly, the virgin makeup solution that is saturated with the bath additive is substantially diluted (1:100) before it is transferred to be mixed with the extracted amount of electrochemical bath. See column 5, lines 20-65;
 - c) Claim 24 is allowable because in the combination of limitations the "control system is configured to execute a series of operations to determine the amount of the first bath additive in the sample when the sample and the virgin makeup solution [that is saturated with the second bath additive] are combined within the electroanalytical measurement system to form a mixed bath." In contrast, the method of Chang is apparently performed

manually. More importantly, the virgin makeup solution that is saturated with the bath additive is substantially diluted (1:100) before it is transferred to be mixed with the extracted amount of electrochemical bath. See column 5, lines 20-65;

d) Claim 25 is allowable because the combination of steps requires adding the sample to the starting solution, which comprises virgin makeup solution that is saturated with the further component Y, to form a mixed solution. In contrast, Chang substantially dilutes (1:100) the virgin makeup solution that is saturated with the bath additive before mixing it with the extracted amount of electrochemical bath. See column 5, lines 20-65; and

e) Claim 26 is allowable because the combination of limitations requires the control system to have means for determining the amount of a first bath additive in a sample using at least one electroanalytical measurement on a mixed bath of the sample and an amount of virgin makeup solution that is saturated with a second bath additive. In contrast, the method of Chang is apparently performed manually. More importantly, Chang substantially dilutes (1:100) the virgin makeup solution that is saturated with the bath additive before mixing it with the extracted amount of electrochemical bath. See column 5, lines 20-65.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alex Nogueraola
Primary Examiner
AU 1753
November 30, 2004